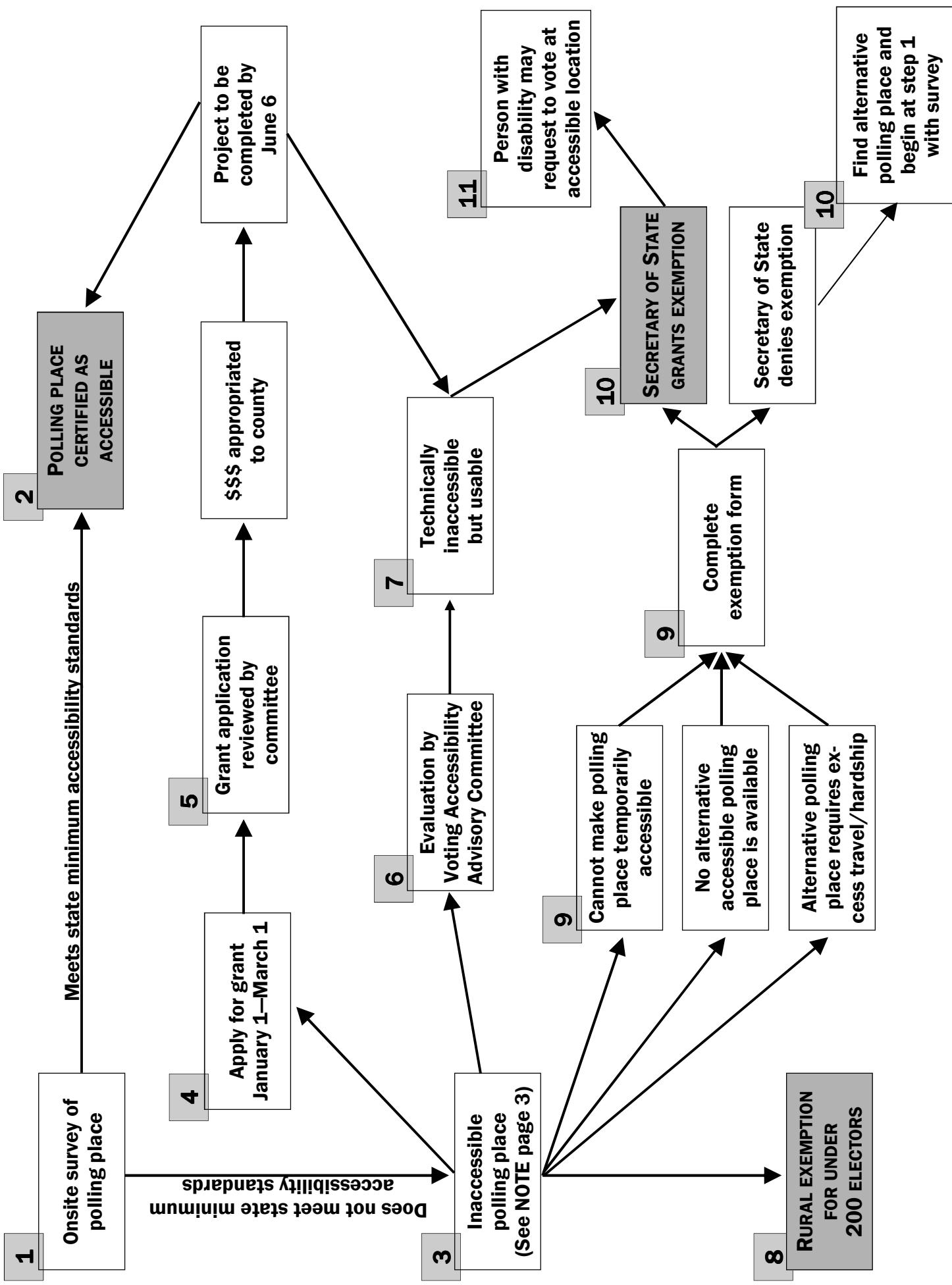


POLLING PLACE ACCESSIBILITY IN MONTANA



THE DUTY OF THE SECRETARY OF STATE IS TO ENSURE THAT ALL POLLING PLACES ARE ACCESSIBLE TO ELECTORS WITH DISABILITIES AND ELDERLY ELECTORS ON ELECTION DAY MCA 13-3-203(1)

- 1** Complete onsite surveys of polling places to determine accessibility. **MCA 13-3-206(1)(a)** Must use survey form prescribed by the Secretary of State. **MCA 13-1-202(2)** Surveys shall be completed and copies sent to the Secretary of State 45 days prior to election. **ARM 44-3-105(6)**
- 2** Secretary of State shall adopt rules to establish standards that a polling place must meet in order to be designated accessible. **MCA 13-3-203(2)** Accessible polling place is one that meets these standards for accessibility. **MCA 13-3-207(2)**
- 3** Inaccessible polling place is one that does not meet these standards and cannot be made accessible through safe, practical, and cost-effective method. **MCA 13-3-207(3)**
- 4** Complete *HAVA Voting Accessibility for General and Primary Elections Grant Application*. Grant applications will be accepted beginning January 1, 2006. Grants are limited to \$5,000 and will be awarded monthly on a first-come, first-served basis. Final applications will be due March 1, 2006. Counties may receive multiple grants.
- 5** Grant committee will consist of one member/representative from each of the following organizations:

 - Montana Association for the Blind
 - Statewide Independent Living Center (SILC)
 - People First of Montana
 - Montana Association of Clerks and Recorders (MACR)
 - Montana Association of Counties (MACO)
- 6** Election administrator may establish a Voting Accessibility Advisory Committee which shall consist of a minimum of three members, two of which shall represent an organization of people with disabilities or people who are elderly. This committee has sole authority to evaluate and certify polling place as technically inaccessible but usable. **ARM 44-3-109**
- 7** Technically-inaccessible-but-usable polling place does not meet standards, but has been surveyed, evaluated, and certified as being adequate. **MCA 13-3-207(5)** Evaluation form must be signed by Voting Access Advisory Committee (VAAC) and attached to survey. **ARM 44-3-105(8)**

8 Rural polling place may be granted an exemption from accessibility standards: **MCA 13-3-204(1)** Rural polling place is one that serves less than 200 registered voters, **MCA 13-3-207(5)** and is subject to review and re-designation 45 days prior to election. **MCA 13-3-207(5)(b)**

- 9** If polling place is designated as inaccessible, an exemption form requesting exemption from accessibility standards should be attached to the survey. Exemption may be granted if the: **MCA 13-3-212**
- A. Potential polling places have been surveyed and no accessible polling places are available.
 - B. County cannot safely or reasonable make polling place temporarily accessible.
 - C. Location of accessible polling place requires excessive travel or hardship for majority of voters.
- A separate request for exemption must be submitted for each polling place not in compliance. Request must include how it is not in compliance, the efforts made to bring it into compliance, and the efforts to locate an alternative site. **ARM 44-3-106(4)**

- 10** Within 30 days of receiving request, the Secretary of State may: **ARM 44-3-106(5-6)**
- A. Grant exemption, which will be valid for three years.
 - B. Deny exemption providing reasons for denial and request that an accessible or technically inaccessible but usable polling place be located.
- If a polling place becomes unavailable for reasons such as loss of lease, fire, snow or other natural disasters less than 10 days prior to an election, an emergency exemption may be granted. **ARM 44-3-107**
- 11** If polling place is inaccessible, a person with a disability can request to change to accessible polling place up to 7 days prior to the election. **MCA 13-3-213(2)**

NOTE: Montana law provides exemptions from compliance with the accessibility requirements of MCA 13-3-203. These exemptions pertain only to the accessibility requirements imposed by state law. Election administrators are encouraged to seek the advice of legal counsel to determine their responsibilities under the Americans with Disabilities Act (ADA) and other federal laws.